



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117 · (Fax) 479-936-5401  
[www.rogersar.gov](http://www.rogersar.gov)

### COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: April 9, 2020

The following committee meetings will be held on **Tuesday, April 14, 2020** prior to the City Council Meeting:

**5:30 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael\*, Townzen, Hayes)  
**Community Room**

- To Discuss:
- (a) ORD Accepting The Final Plat Of Shadow Valley Planned Unit Development, Phase 10, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein

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  - (b) ORD Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3 (Janacek)

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  - (c) ORD Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 And A-1 To N-R (Riggins)

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  - (d) ORD Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To R-DP, Accepting The Density Concept Plan (Silver Development)

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  - (e) ORD Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF To C-3 (Whitwheel)

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  - (f) ORD Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Elkhead)

**5:45 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall) **Community Room**

- To Discuss:
- (a) ORD Amending Section 54-211 Of The Code Of Ordinances Of The City Of Rogers; Specifying The Sewer Development Impact Fee For Certain Residential Structures With A Residential Fire Sprinkler System

**6:00 p.m. - RESOURCES & POLICY COMMITTEE:** (Hayes\*, Reithemeyer, Brashear) **Community Room**

- To Discuss:
- (a) RES . Authorizing Certain City Departments To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means

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  - (b) RES Authorizing Certain City Departments To Dispose Of Property In The Landfill; Recognizing That The Property Is Rendered Worthless; Acknowledging The Oversight For Disposal

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  - (c) ORD Amending Various Sections Of Chapter 2 Of The City Of Rogers Code Of Ordinances

**6:15 p.m. - FINANCE COMMITTEE:** (Reithemeyer\*, Wolf, Kendall) **Council Chambers**

- To Discuss:
- (a) RES Authorizing The Mayor And City Clerk To Enter Into A Contract With All Service Electric Inc. Of Hot Springs, Arkansas, In An Amount Not To Exceed \$72,380.00 For The 1st Street Light Replacement Project

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  - (b) RES Authorizing The Mayor And City Clerk To Enter Into A Contract With Time Striping, Inc. Of Van Buren, Arkansas, In An Amount Not To Exceed \$446,646.00 For The Citywide Street Striping Project

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**6:15 p.m. - TRANSPORTATION COMMITTEE:** (Kruger\*, Carmichael, Townzen) **Community Room**

- To Discuss:
- (a) RES Scheduling A Hearing Concerning The Vacation Of An Alley Between West Willow Street And West Birch; Directing Notice Of The Hearing

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  - (b) RES Expressing The Willingness Of The City Of Rogers To Utilize The Federal-Aid Transportation Alternatives Program Funds For The Addition Of Sidewalks On The North Side Of Hudson Road Between North 26th Street And North 4th Street, Rogers, Arkansas

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  - (c) Street Closure Request - Sheep Dog Impact Assistance

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**ROGERS CITY COUNCIL**

**AGENDA**

**APRIL 14, 2020**

**6:30 PM**

**PUBLIC HEARING:**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:**

- 1. March 24, 2020

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |   |   |
|----|---|---|
| 1. | ORD. Re: Accepting The Final Plat Of Shadow Valley Planned Unit Development, Phase 10, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 2. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3 (Janacek)   | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

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|----|----------|--|--|
| 3. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 And A-1 To N-R (Riggins)   | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 4. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To R-DP, Accepting The Density Concept Plan (Silver Development)  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 5. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF To C-3 (Whitwheel)  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Elkhead)  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 7. | ORD. Re: | Amending Section 54-211 Of The Code Of Ordinances Of The City Of Rogers; Specifying The Sewer Development Impact Fee For Certain Residential Structures With A Residential Fire Sprinkler System | PUBLIC WORKS<br>COMMITTEE                          |
| 8. | RES. Re: | Authorizing Certain City Departments To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means  | RESOURCES &<br>POLICY<br>COMMITTEE                 |
| 9. | RES. Re: | Authorizing Certain City Departments To Dispose Of Property In The Landfill; Recognizing That The Property Is Rendered Worthless; Acknowledging The Oversight For Disposal                       | RESOURCES &<br>POLICY<br>COMMITTEE                 |

- |     |          |   |                                    |
|-----|----------|---|------------------------------------|
| 10. | ORD. Re: | Amending Various Sections Of Chapter 2 Of The City Of Rogers Code Of Ordinances   | RESOURCES &<br>POLICY<br>COMMITTEE |
| 11. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With All Service Electric Inc. Of Hot Springs, Arkansas, In An Amount Not To Exceed \$72,380.00 For The 1st Street Light Replacement Project  | FINANCE<br>COMMITTEE               |
| 12. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With Time Striping, Inc. Of Van Buren, Arkansas, In An Amount Not To Exceed \$446,646.00 For The Citywide Street Striping Project   | FINANCE<br>COMMITTEE               |
| 13. | RES. Re: | Scheduling A Hearing Concerning The Vacation Of An Alley Between West Willow Street And West Birch; Directing Notice Of The Hearing   | TRANSPORTATION<br>COMMITTEE        |
| 14. | RES. Re: | Expressing The Willingness Of The City Of Rogers To Utilize The Federal-Aid Transportation Alternatives Program Funds For The Addition Of Sidewalks On The North Side Of Hudson Road Between North 26th Street And North 4th Street, Rogers, Arkansas | TRANSPORTATION<br>COMMITTEE        |

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF SHADOW VALLEY PLANNED UNIT DEVELOPMENT, PHASE 10, ROGERS, BENTON COUNTY, ARKANSAS; THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Final Plat has been submitted for Shadow Valley Planned Unit Development, Phase 10, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST AND PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 25;  
THENCE ALONG THE NORTH LINE THEREOF S87°08'16"E 1311.76 FEET TO THE WEST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 30;  
THENCE ALONG THE WEST LINE THEREOF N03°51'05"E 14.96 FEET TO THE NORTHWEST CORNER OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 30;  
THENCE ALONG THE NORTH LINE THEREOF S87°21'04"E 349.54 FEET;  
THENCE LEAVING SAID NORTH LINE S02°01'13"W 2100.07 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST PLEASANT GROVE ROAD, AS DESCRIBED IN DEED RECORD BOOK 2015 AT PAGE 67089;  
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING NINE COURSES:  
THENCE N87°28'31"W 188.95 FEET;  
THENCE 599.14 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 831.00 FEET AND A LONG CHORD OF S71°52'12"W 586.25 FEET;  
THENCE S51°12'55"W 102.12 FEET;  
THENCE N70°44'59"W 143.54 FEET;  
THENCE S27°18'34"W 32.00 FEET;  
THENCE S31°51'00"E 106.65 FEET;  
THENCE 473.26 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 745.00 FEET AND A LONG CHORD OF S74°30'27"W 465.34 FEET;  
THENCE N87°17'38"W 226.38 FEET;  
THENCE N42°44'18"W 58.66 FEET TO THE EAST RIGHT-OF-WAY OF ARKANSAS HIGHWAY 112, AS DESCRIBED IN DEED RECORD BOOK 2015 AT PAGE 67089;  
THENCE ALONG SAID EAST RIGHT-OF-WAY N03°11'39"E 569.53 FEET;  
THENCE LEAVING SAID EAST RIGHT-OF-WAY N87°21'46"W 57.12 FEET TO THE WEST LINE OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 25;  
THENCE ALONG SAID WEST LINE N02°06'49"E 1975.85 FEET TO THE POINT OF BEGINNING, CONTAINING 88.97 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE SE 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST AND PART OF THE SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 25;  
THENCE ALONG THE EAST LINE THEREOF S02°01'13"W 2230.68 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF WEST PLEASANT GROVE ROAD, AS DESCRIBED IN DEED RECORD BOOK 2015 AT PAGE 67089;  
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY 151.52 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 773.00 FEET AND A LONG CHORD OF N86°54'29"E 151.28 FEET;  
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY S87°28'35"E 227.82 FEET;  
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY S03°02'59"W 161.30 FEET;  
THENCE S01°24'24"E 231.94 FEET;  
THENCE S07°54'59"W 69.33 FEET;  
THENCE S17°25'17"W 41.02 FEET;  
THENCE S11°18'40"W 38.86 FEET;  
THENCE S20°29'21"W 311.95 FEET;  
THENCE S79°54'15"W 26.75 FEET;  
THENCE S84°35'07"W 50.22 FEET;  
THENCE 100.96 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 509.71 FEET AND A LONG CHORD OF S73°45'59"W 100.80 FEET;  
THENCE S66°40'03"W 52.27 FEET;  
THENCE 61.51 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 78.13 FEET AND A LONG CHORD OF S40°55'58"W 59.93 FEET;  
THENCE 80.01 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 121.96 FEET AND A LONG CHORD OF S01°07'16"W 78.59 FEET;  
THENCE 85.50 FEET ALONG A CURVE TO THE RIGHT A RADIUS OF 248.75 FEET AND A LONG CHORD OF S15°11'03"W 85.08

FEET;  
THENCE S25°01'50"W 49.17 FEET;  
THENCE S22°03'50"W 98.57 FEET;  
THENCE S02°09'52"W 63.06 FEET;  
THENCE S03°36'27"E 29.36 FEET;  
THENCE S07°37'44"W 73.11 FEET;  
THENCE S20°55'09"W 2.01 FEET;  
THENCE 20.72 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 225.28 FEET AND A LONG CHORD OF S28°23'59"W 20.71 FEET;  
THENCE 66.30 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 792.96 FEET AND A LONG CHORD OF S23°57'07"W 66.28 FEET;  
THENCE S30°16'06"W 7.08 FEET;  
THENCE 83.58 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 49.92 FEET AND A LONG CHORD OF S78°14'13"W 74.15 FEET;  
THENCE N53°47'40"W 58.62 FEET;  
THENCE 64.11 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 55.87 FEET AND A LONG CHORD OF N86°40'14"W 60.65 FEET;  
THENCE S60°27'13"W 214.09 FEET;  
THENCE 54.66 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 58.49 FEET AND A LONG CHORD OF S87°32'04"W 52.70 FEET;  
THENCE 40.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 70.31 FEET AND A LONG CHORD OF N49°15'28"W 39.78 FEET;  
THENCE 47.28 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 62.77 FEET AND A LONG CHORD OF N11°14'38"W 46.17 FEET;  
THENCE N37°34'53"E 17.90 FEET;  
THENCE N33°01'47"E 112.54 FEET;  
THENCE N34°33'02"E 84.00 FEET;  
THENCE 41.60 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 82.00 FEET AND A LONG CHORD OF N49°05'04"E 41.16 FEET;  
THENCE N63°37'07"E 19.94 FEET;  
THENCE 49.26 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 118.00 FEET AND A LONG CHORD OF N51°22'56"E 48.90 FEET;  
THENCE N39°25'21"E 5.15 FEET;  
THENCE 41.03 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 118.00 FEET AND A LONG CHORD OF N32°18'28"E 40.83 FEET;  
THENCE N22°20'46"E 53.0534 FEET;  
THENCE N17°56'35"E 50.73 FEET;  
THENCE 24.74 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 118.00 FEET AND A LONG CHORD OF N11°56'12"E 24.69 FEET;  
THENCE N05°55'50"E 26.60 FEET;  
THENCE 33.94 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 55.05 FEET AND A LONG CHORD OF N27°55'38"E 33.41 FEET;  
THENCE N41°38'12"E 21.25 FEET;  
THENCE 42.92 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 106.41 FEET AND A LONG CHORD OF N34°49'40"E 42.63 FEET;  
THENCE N23°59'45"E 50.86 FEET;  
THENCE N30°27'51"E 28.05 FEET;  
THENCE 75.37 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 103.79 FEET AND A LONG CHORD OF N12°13'02"E 73.72 FEET;  
THENCE N04°14'05"W 59.04 FEET;  
THENCE 24.34 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 118.00 FEET AND A LONG CHORD OF N06°15'31"W 25.29 FEET;  
THENCE N12°24'37"W 86.30 FEET;  
THENCE 38.29 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 82.00 FEET AND A LONG CHORD OF N00°57'59"E 37.94 FEET;  
THENCE N14°20'36"E 40.18 FEET;  
THENCE 17.12 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 118.00 FEET AND A LONG CHORD OF N10°11'11"E 17.11 FEET;  
THENCE N06°01'46"E 92.31 FEET;  
THENCE N03°24'15"E 67.61 FEET;  
THENCE 64.67 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 228.25 FEET AND A LONG CHORD OF N03°56'39"W 64.45 FEET;  
THENCE 50.15 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 66.17 FEET AND A LONG CHORD OF N42°44'44"W 48.96 FEET;  
THENCE 9.03 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 20.85 FEET AND A LONG CHORD OF N51°32'50"W 8.96 FEET;  
THENCE N36°21'17"W 52.30 FEET;  
THENCE 11.05 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 82.00 FEET AND A LONG CHORD OF N32°29'42"W 11.04 FEET;  
THENCE N28°38'07"W 35.81 FEET;  
THENCE N31°15'23"W 19.93 FEET;  
THENCE 13.76 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 44.84 FEET AND A LONG CHORD OF N40°02'55"W 13.71 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF WEST PLEASANT GROVE ROAD, AS DESCRIBED IN DEED RECORD BOOK 2015 AT PAGE 67089;  
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING THREE COURSES:

THENCE N28°38'23"E 13.81 FEET;  
THENCE N06°12'55"E 56.30 FEET;  
THENCE 368.76 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 773.00 FEET AND A LONG CHORD OF N67°37'34"E  
365.27 FEET TO THE POINT OF BEGINNING, CONTAINING 16.64 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL  
EASEMENTS OF RECORD OR FACT.

**WHEREAS**, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: Shadow Valley Planned Unit Development, Phase 10, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed.

Section 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat.

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its passage.

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

ORDINANCE NO.20- \_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO C-3, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-3 than A-1 zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as C-3 and that said lands being in Benton County, Arkansas, are described as:

Located in a part of the SW 1/4 of the SE 1/4 of Section 15, Township 19 North, Range 30 West, in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the Southeast corner of the SW 1/4 of the SE 1/4 of Section 15; thence along the East line of the SW 1/4 of the SE 1/4, North 02 degrees 56 minutes 48 seconds East 467.63 feet to a set MAG nail and the true point of beginning; thence North 86 degrees 46 minutes 13 seconds West, 334.48 feet to a set 5/8" rebar; thence North 02 degrees 50 minutes 46 seconds East, 194.80 feet to a found 1/2" rebar; thence South 87 degrees 08 minutes 42 seconds East, 81.98 feet to a found 5/8" rebar; thence South 86 degrees 46 minutes 13 seconds East, 222.79 feet to a found 5/8" rebar; thence South 86 degrees 00 minutes 52 seconds East, 30.06 feet to a found MAG nail; thence along the East line of the SW 1/4 of the SE 1/4, South 02 degrees 56 minutes 48 seconds West, 194.94 feet to a set MAG nail and the true point of beginning, containing 1.500 acres and being subject to the rights-of-way of South 26th Street and West New Hope Road and any easements of record.

LESS AND EXCEPT, the North 75 feet of all that property owned by Billy H. Marlow as Trustees of the Revocable Trust, dated July 15, 2010 and located in the E 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 15, Township 19 North, Range 30 West, Benton County, Arkansas, and subject to all easements and rights of way of record.

**LAYMAN'S DESCRIPTION:** 1880 S. 26<sup>th</sup> Street

Section 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.  
ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

ORDINANCE NO. 20-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 AND A-1 TO N-R, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for N-R than C-2 and A-1 zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as N-R and that said lands being in Benton County, Arkansas, are described as:

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) ALL IN SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTY (30) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 24, SAID POINT BEING A FOUND 5/8 INCH REBAR; THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE SW 1/4, N02°36'28"E A DISTANCE OF 659.99 FEET TO A SET IRON PIN WITH CAP, "PLS 1156" AND THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID WEST LINE, N02°36'28"E A DISTANCE OF 330.37 FEET; THENCE LEAVING SAID WEST LINE S86°39'41"W A DISTANCE OF 666.12; THENCE S02°23'52"E A DISTANCE OF 330.16 FEET; THENCE N86°40'52"W A DISTANCE OF 667.33 FEET TO THE **POINT OF BEGINNING**, CONTAINING 5.05 ACRES (220,171 SQ. FT.), MORE OR LESS.

**LAYMAN'S DESCRIPTION:** 17+ acres at the west end of Cottonwood Street

Section 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, 2020.  
**ROGERS, ARKANSAS**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

ORDINANCE NO. 20-\_\_\_\_\_

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP TO R-DP, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on April 7, 2020 the City Council has found that certain lands hereinafter described are better suited for R-DP zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as R-DP and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of Lot Twenty-four (24) The Grove Phase III per Replat L201918763. Commencing at the Northwest Corner of Lot 24 The Grove Phase III, thence South 87°26'10" East 80.00 feet to the Point of Beginning; Thence South 87°26'17" East 1147.78 feet; Thence South 02°43'56" West 133.09 feet; Thence North 87°26'17" West 1147.34 feet; Thence North 02°33'31" East 133.09 feet to the Point of Beginning, containing 42,424 square feet or 9.74 acres, subject to easements and Rights of Way of record.

LAYMAN'S DESCRIPTION: 3.5 acres south of W. Broadway Place

SECTION 3: Zoning. That the above described lands are better suited for R-DP than R-DP zoning and same should be and are hereby zoned R-DP.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Silver Development and the City of Rogers, as approved by the Rogers Planning Commission on April 7, 2020, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020. ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-SF TO C-3, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-3 than R-SF zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the City's Comprehensive Growth Map has been amended by Planning Commission to classify the entirety of parcel 02-02087-660 as the "Neighborhood Center" Growth Designation rather than the "Neighborhood" Growth Designation.

Section 3: That the land hereinafter described should be and the same is hereby zoned as C-3 and that said lands being in Benton County, Arkansas, are described as:

The East Half of the Southeast Quarter of Section Twenty-nine (29), Township Nineteen (19) North, Thirty (30) West, Benton County, Arkansas, containing 80 acres, more or less.

**LESS AND EXCEPT**

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 29, T-19-N, R-30-W, Benton County, Arkansas, being a portion of that property described in Deed Record 2006 02495-98 of the Records of the Circuit Clerk and Recorder of Benton County, Arkansas, and being more particularly described as follows: Beginning at the NW corner of the NE 1/4 of the SE 1/4 of said Section 29; thence along the North line of said NE 1/4 of the SE 1/4 South 87°17'02" East - 285.89 feet; thence leaving said North line Southeasterly along a curve concave to the SW a distance of 837.46, said curve having a radius of 1072.15 feet and whose chord bears South 50°31'55" East - 816.33 feet; thence South 28°09'18" East - 348.30 feet; thence Southeasterly along a curve concave to the NE a distance of 25.13 feet, said curve having a radius of 16.00 feet and whose chord bears South 73°09'18" East - 22.63 feet; thence North 61°50'42" East - 97.12 feet; thence Northeasterly along a curve concave to the NW a distance of 184.50 feet, said curve having a radius of 175.00 feet and whose chord bears North 31°38'29" East - 176.08 feet; thence North 1°26'17" East - 60.00 feet; thence South 88°33'43" East - 42.89 feet to the East line of said Section 29; thence along said Section line South 3°13'28" West - 130.06 feet; thence leaving said Section line Southwesterly along a curve concave to the NW a distance of 166.04 feet, said curve having a radius of 225.00 feet and whose chord bears South 40°42'17" West - 162.30 feet; thence South 61°50'42" West - 97.12 feet; thence Southwesterly along a curve concave to the SE a distance of 25.13 feet, said curve having a radius of 16.00 feet and whose chord bears South 16°50'42" West - 22.63 feet; thence South 28°09'18" East - 31.72 feet; thence Southeasterly along a curve concave to the NE a distance of 257.80 feet, said curve having a radius of 717.37 feet and whose chord bears South 38°27'00" East - 256.41 feet to the East line of said Section 29; thence along said Section line South 3°13'28" West - 98.59 feet; thence leaving said Section line Northwesterly along a curve concave to the NE a distance of 347.36 feet, said curve having a radius of 797.37 feet and whose chord bears North 40°38'06" West - 344.62 feet; thence North 28°09'18" West - 462.02 feet; thence Northwesterly along a curve concave to the SW a distance of 1036.80 feet, said curve having a radius of 992.15 feet and whose chord bears North 58°05'32" West - 990.27 feet; thence North 88°01'47" West - 6.42 feet to the West line of the NE 1/4 of the SE 1/4 of said Section 29; thence along said West line North 2°15'03" East - 46.60 feet to the point of beginning, containing 159,715 square feet, or 3.67 acres, more or less.

**LESS AND EXCEPT**

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 29, T-19-N, R-30-W, Benton County, Arkansas, being a portion of that property described in Deed Record 2006 02495-98 of the Records of the Circuit Clerk and Recorder of Benton County, Arkansas, and being more particularly described as follows: Commencing at the SE corner of the SE 1/4 of the SE 1/4 of said Section 29; thence along the East line of said Section 29 North 2°21'48" East - 457.16 feet to the POINT OF BEGINNING; thence leaving said East line North 88°06'03" West - 21.35 feet; thence Northeasterly along a curve concave to the SE a distance of 134.57 feet, said curve having a radius of 400.00 feet and whose chord bears North 11°32'14" East - 133.94 feet to the East line of said Section 29; thence along said Section line South 2°21'48" West - 132.05 feet to the POINT OF BEGINNING, containing 1,914 square feet, or 0.04 acres, more or less.

**LESS AND EXCEPT**

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 29, T-19-N, R-30-W, Benton County, Arkansas, being a portion of that property described in Deed Record 2006 02495-98 of the Records of the Circuit Clerk and Recorder of Benton County, Arkansas, and being more particularly described as follows: Commencing at the NE corner of the NE 1/4 of the SE 1/4 of said Section 29; thence along the East line of said Section 29 South 3°13'28" West - 658.12 feet to the POINT OF BEGINNING; thence continuing along said Section line South 3°13'28" West - 184.75 feet; thence North 87°04'34" West -187.60 feet; thence Northeasterly along a curve concave to the SE a distance of 8.80 feet, said curve having a radius of 16.00 feet and whose chord bears North 46°05'37" East - 8.69 feet; thence North 61°50'42" East - 97.12 feet; thence Northeasterly along a curve concave to the NW a distance of 166.04 feet, said curve having a radius of 225.00 feet and whose chord bears North 40°42'17" East - 162.30 feet to the POINT OF BEGINNING, containing 12,887 square feet, or 0.30 acres, more or less.

**LESS AND EXCEPT**

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 29, T-19-N, R-30-W, Benton County, Arkansas, being a portion of that property described in Deed Record 2006 02495-98 of the Records of the Circuit Clerk and Recorder of Benton County, Arkansas, and being more particularly described as follows: Commencing at the NE corner of the NE 1/4 of the SE 1/4 of said Section 29; thence along the East line of said Section 29 South 3°13'28" West - 842.87 feet to the POINT OF BEGINNING; thence continuing along said Section line South 3°13'28" West - 235.21 feet; thence Northwesterly along a curve concave to the NE a distance of 257.80 feet, said curve having a radius of 717.37 feet and whose chord bears North 38°27'00" West - 256.41 feet; thence North 28°09'18" West - 31.72 feet; thence Northeasterly along a curve concave to the SE a distance of 16.34 feet, said curve having a radius of 16.00 feet and whose chord bears North 1°05'37" East - 15.64 feet; thence South 87°04'34" East - 187.60 feet to the POINT OF BEGINNING, containing 26,184 square feet, or 0.60 acres, more or less.

**LAYMAN'S DESCRIPTION:** 76 acres at S Champions Drive and W Pleasant Grove Road

Section 4: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 5: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ROGERS, ARKANSAS**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

ORDINANCE NO. 20-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for NBT than R-DP zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

Lots 15, 16, 17, and 18 in Block 1, Allen’s Addition to Rogers, Benton County, Arkansas, as shown on Plat Record B at Page 87.

**LAYMAN'S DESCRIPTION:** 524 E. Pearl St.

Section 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Community Environment & Welfare

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 54-211 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS; SPECIFYING THE SEWER DEVELOPMENT IMPACT FEE FOR CERTAIN RESIDENTIAL STRUCTURES WITH A RESIDENTIAL FIRE SPRINKLER SYSTEM; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers, as part of its fire prevention measures, encourages installation of a Residential Fire Sprinkler System (RFSS) in new residential construction; and

**WHEREAS**, most single-family residential construction usually requires a 5/8 inches water meter; and

**WHEREAS**, an RFSS in a residential structure will require a design water flow rate that exceeds that of a 5/8 inches water meter; and

**WHEREAS**, installation of an RFSS and a 1 inch water meter in certain residential construction will not increase the impact on the sewer system because the RFSS will be activated only in the event of fire, and the RFSS is not attached to a sewer drain; such installation will have no greater impact on the sewer system than residential construction without an RFSS and with a 5/8 inches water meter; and

**WHEREAS**, it is appropriate and in the public interest to charge sewer development impact fees based on the impact to the sewer system; and

**WHEREAS**, it is appropriate and in the public interest to encourage installation of a RFSS in certain new residential construction by amending Section 54-211 of the Code of Ordinances of the City of Rogers, Arkansas; and

**WHEREAS**, the Rogers Waterworks and Sewer Commission has passed its Resolution. No 20-04, recommending amendment to Section 54-211 of the Code of Ordinances of the City of Rogers, Arkansas.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: The Rogers City Council hereby finds and declares that, effective April 15, 2020, when a Residential Fire Sprinkler System (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex, or manufactured home) and a 1 inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee specified for a 5/8 inches water meter will be charged for each living unit in the structure. This provision does not apply if the structure would require a 1 inch meter even without installation of an RFSS. This provision does not apply to apartment buildings or other commercial rental structures having three or more living units. This provision does not apply to a structure used as a place of business. This provision is prospective only and is not to be applied retroactively to any sewer development impact fee paid prior to its passage, approval, and effective date.

Section 2: Section 54-211 of the Code of Ordinances of the City of Rogers, Arkansas is hereby amended to read as shown on the attached Exhibit "1."

Section 3- Emergency Clause: The need to make the above referenced amendment is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on and after the date of its passage.

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5- Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES,  
Mayor

Attest:

\_\_\_\_\_  
Jessica Rush, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

For Consideration By: Public Works Committee

**Sec. 54-211. - Development impact fees.**

(a) Effective April 1, 2006, a development impact fee shall be paid by the person or entity requesting new sewer service, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the meter serving the property:

Meter Size	Fee
5/8 inches	\$2,200.00
1 inch	\$5,000.00
1½ inches	\$10,000.00
2 inches	\$15,000.00
3 inches	\$30,000.00
4 inches	\$45,000.00
6 inches	\$90,000.00

All proposed living units are to be metered individually, except for institutionalized care facilities or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) Refund procedure: the portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(c) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(d) Effective April 15, 2020, when a Residential Fire Sprinkler System (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex, or manufactured home) and a 1 inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee listed above for a 5/8 inches water meter shall be charged for each living unit in the structure. This provision (d) shall not apply if the structure would require a 1 inch water meter even without installation of an RFSS. This provision (d) shall not apply to apartment buildings or other commercial rental structures having three or more living units. This provision (d) shall not apply to a structure used as a place of business. This provision (d) is prospective only and is not to be applied retroactively to any sewer development impact fee paid prior to its passage, approval, and effective date.

**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY THROUGH INTERNET AUCTION OR OTHER AVAILABLE MEANS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Rogers has determined that the items identified in **Exhibit A & B** have become obsolete and are no longer used by the City;

**WHEREAS**, the items identified in **Exhibit A & B** are to be sold by internet auction or through other means whichever nets the highest value; and

**WHEREAS**, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(1).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City Departments may auction their items identified in **Exhibit A & B** through internet auction or other means whichever nets the highest value;

Section 2: The City Departments shall maintain a record of all items that are placed and sold through internet auction or by other means;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES,  
Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

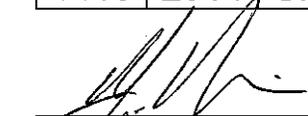
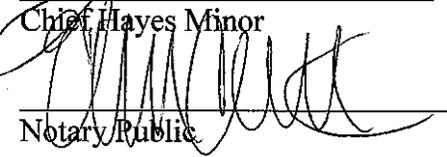
Requested By: Various City Departments  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Resources & Policy Committee

EXHIBIT "A"

AFFIDAVIT FOR DISPOSAL OF PROPERTY BY AUCTION OF THE ROGERS POLICE DEPARTMENT WHICH HAS BEEN DEEMED OBSOLETE

I, Hayes Minor, Chief of Police for the Rogers Police Department, do hereby certify that the following property of the Rogers Police Department has become obsolete, is no longer used by the City, and it is now appropriate to dispose of said property by public or internet auction as specified under Ark. Code Ann. § 14-54-302(e)(1). I hereby certify that I will be responsible for overseeing that the property is properly sold at public or internet auction. The records listed below contain a description of the property to be disposed of by auction.

Unit	Year	Make	Model	VIN	Funding
1102	2011	Ford	Crown Vic	2FABP7BV3BX146893	Budget
1103	2011	Ford	Crown Vic	2FABP7BV5BX146894	Budget
1104	2011	Ford	Crown Vic	2FABP7BV7BX146895	Budget
1207	2012	Chevrolet	Tahoe	1GNLC2E04CR209824	Budget
1214	2012	Chevrolet	Tahoe	1GNLC2E04CR241480	Budget
1215	2012	Chevrolet	Tahoe	1GNLC2E04CR239602	Budget
1216	2012	Chevrolet	Tahoe	1GNLC2E09CR219457	Budget
1301	2013	Chevrolet	Tahoe	1GNLC2E01DR196323	Budget
1303	2013	Chevrolet	Tahoe	1GNLC2E04DR197613	Budget
1314	2013	Chevrolet	Tahoe	1GNLC2E00DR306276	Budget
1404	2014	Chevrolet	Tahoe	1GNLC2E08ER193596	Budget
1410	2014	Chevrolet	Tahoe	1GNLC2E09ER218117	Budget

  
\_\_\_\_\_  
Chief Hayes Minor  
  
\_\_\_\_\_  
Notary Public

Date: 4/2/2020  
Date: 4-2-20

Commission Expires: 4-30-27

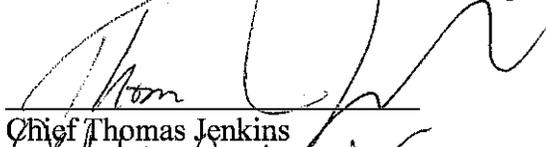


**EXHIBIT "B"**

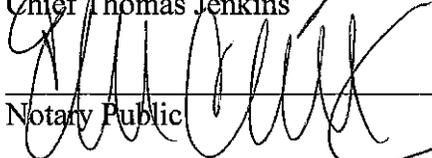
**AFFIDAVIT FOR DISPOSAL OF PROPERTY BY AUCTION OF THE ROGERS FIRE DEPARTMENT WHICH HAS BEEN DEEMED OBSOLETE**

I, Thomas Jenkins, Chief of the Rogers Fire Department, do hereby certify that the following property of the Rogers Fire Department has become obsolete, is no longer used by the City, and it is now appropriate to dispose of said property by public or internet auction as specified under Ark. Code Ann. § 14-54-302(e)(1). I hereby certify that I will be responsible for overseeing that the property is properly sold at public or internet auction. The records listed below contain a description of the property to be disposed of by auction.

1. Approximately 25 Motorola CDM mobile radios
2. One Vertex mobile radio
3. Three Kenwood mobiles radios
4. One Vertex portable radio with charger
5. Ten Motorola APX mobile radios
6. Approximately 15 mobile radio mounting brackets
7. Two Motorola MW810 CPUs
8. Three Motorola MW810 Touchscreens
9. Five Motorola Monitor Pagers with chargers
10. One box of Motorola PTT microphones
11. Three Motorola radio speakers, external
12. Miscellaneous siren accessories, speakers, microphones
13. Approximately 20 Motorola HT1250 portable radios
14. Approximately 40 Motorola 800mhz antennas
15. Four Motorola HT1250 "gang" battery chargers
16. Misc. cabling associated with radios and computers no longer in use
17. 45 Motorola APX 6000 portable radios

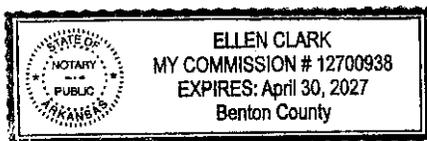
  
\_\_\_\_\_  
Chief Thomas Jenkins

Date: 4-8-20

  
\_\_\_\_\_  
Notary Public

Date: 4-8-20

Commission Expires: 4-30-27



**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Director of the Rogers Public Library has certified that the items listed attached as **Exhibit “A”** have been rendered worthless by damaged or prolonged use;

**WHEREAS**, the Director of the Rogers Public Library additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. § 14-54-302(e)(2)(A); and

**WHEREAS**, the City Council of the City of Rogers approves the Director’s affidavit of certification attached as **Exhibit “A”** and deems that disposal in the landfill is appropriate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City Departments may dispose of their items identified in **Exhibit “A”** in the landfill used by the City pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The City Departments shall maintain a record of all items that are sent to the landfill under this Resolution;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Prepared By: John M. Pesek, Staff Attorney  
Requested By: Judy Casey, Rogers Public Library Director  
For Consideration By: Resources & Policy Committee

## EXHIBIT "A"

### AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE ROGERS PUBLIC LIBRARY WHICH HAS BEEN DEEMED OBSOLETE

I, Judy Casey, Director of the Rogers Public Library, do hereby certify that the following property of the Rogers Public Library has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

#### TYPE OF PROPERTY

1. Approximately 20-30, 65" tall cubical walls that housed 15 employees (25+ year old, cloth deteriorating, cost more to recover than replace with new).
2. 14 wooden desk sets (25+ year old) consisting of:
  - a. 12 - 5'-6" oak desktops (Some have a single tray drawer for pencils. Most do not.)
  - b. 5 - 3' oak desktops
  - c. Desktop 2-shelves, oak
    - i. 6 - 3' tall
    - ii. 8 - 5'-6" tall
  - d. One Tabletop Cabinet, oak
  - e. One pressboard desk with hutch (noticeably bowing desktop; Librarian I – Reference's desk)
  - f. One 5' wooden bi-level desk, dark colored with built-in drawers (Administrative Assistant's desk).
  - g. One V-shaped wooden desk with built-in drawers with broken locks (Assistant Director's desk).
3. 4 Wooden bookshelves (25+ years old, at least one unstable at base)
  - a. One small (at Assistant Director's cubical).
  - b. Two medium (one each at Librarian II – Reader Conversations Librarian & Library Assistant II – Interlibrary Loan's cubicles)
  - c. One large (at Library Assistant II – Interlibrary Loan's cubical).
4. Metal file cabinets (broken drawers and locks, minimum of over 7+ years old)
  - a. Six 4-drawer
  - b. One 2-drawer
5. A mid-size wheeled wooden computer cart (former GuardTronic "table")

Judy Casey  
Judy Casey

Date: 4/7/2020

[Signature]  
Notary Public

Date: 4-7-20

Commission Expires: 4-30-27



**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 2 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers, City Council finds it to be in the best interest of the City to update the provisions governing competitive bidding as found in Chapter 2 of its Code of Ordinances; and

**WHEREAS**, these changes will better allow software professionals to assist the City in its integration of new software purchases.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: Chapter 2, Article V, Division 2, Section 2-468, Subsection (b), of the City of Rogers, Code of Ordinances is amended to change subsection (15) to read as “Software upgrades to existing software and software integration services;” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director - Community Development

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Resources & Policy Committee

**RESOLUTION NO. R20\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH ALL SERVICE ELECTRIC INC. OF HOT SPRINGS, ARKANSAS, IN AN AMOUNT NOT TO EXCEED SEVENTY-TWO THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$72,380.00) FOR THE 1<sup>ST</sup> STREET LIGHT REPLACEMENT PROJECT; AMENDING THE 2020 BUDGET TO APPROPRIATE SEVENTY-TWO THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$72,380.00) STREET FUND RESERVES TO ACCOUNT NUMBER #200-16-70945 STREET LIGHT INSTALLATION; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City desires the removal of ten street poles and luminaires to be replaced with pedestrian poles and luminaires while utilizing the existing concrete base; and

**WHEREAS**, All Service Electric, Inc. of Hot Springs, Arkansas, was selected as the lowest qualified bidder for this project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk may enter into a contract with All Service Electric, Inc. for the 1<sup>st</sup> Street Light Replacement Project in an amount not to exceed seventy-two thousand three hundred eighty dollars (\$72,380.00);

Section 2: The 2020 Budget is amended to appropriate the sum of seventy-two thousand three hundred eighty dollars (\$72,380.00) from Street Fund Reserves into Account #200-16-70945 Street Light Installation;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH TIME STRIPING, INC. OF VAN BUREN, ARKANSAS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FORTY-SIX THOUSAND SIX HUNDRED FORTY-SIX DOLLARS (\$446,646.00) FOR THE CITYWIDE STREET STRIPING PROJECT; AMENDING THE 2020 BUDGET TO APPROPRIATE FOUR HUNDRED FORTY-SIX THOUSAND SIX HUNDRED FORTY-SIX DOLLARS (\$446,646.00) FROM STREET FUND RESERVES TO ACCOUNT NUMBER #200-16-70940 PAINTING & STRIPING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City desires to stripe certain city streets within its boundaries; and

**WHEREAS**, Time Striping, Inc. of Van Buren, Arkansas, was selected as the lowest qualified bidder for this project and the City desires to enter into an agreement with them.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk may enter into a contract with Time Striping, Inc., of Van Buren, Arkansas, for the Citywide Street Striping Project in an amount not to exceed four hundred forty-six thousand six hundred forty-six dollars (\$446,646.00);

Section 2: The 2020 Budget is amended to appropriate the sum of four hundred forty-six thousand six hundred forty-six dollars (\$446,646.00) from Street Fund Reserves into Account #200-16-70940 Painting & Striping;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director - Community Development  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION SCHEDULING A HEARING CONCERNING THE VACATION OF AN ALLEY BETWEEN WEST WILLOW STREET AND WEST BIRCH; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.**

**WHEREAS**, a petition has been filed with the City of Rogers, Arkansas, by Bates & Associates, Inc., to vacate an alley lying between West Willow Street and West Birch Street in the City of Rogers that has been used as such but is needing to be vacated so that the entire parcel may be developed for a commercial project, said alley having a legal description as follows:

A PART OF A CLOSED ALLEY LYING SOUTH OF LOTS 1 THRU 6 AND NORTH OF LOTS 11 THRU 16, BLOCK 2, REVISED HILLCREST ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF SAID BLOCK 2 AND RUNNING THENCE ALONG THE NORTH LINE OF LOTS 11 THRU 16 N86°55'33"W 311.10' TO AN EXISTING REBAR, THENCE LEAVING SAID NORTH LINE N02°08'56"E 10.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF LOTS 1 THRU 6, THENCE ALONG SAID SOUTH LINE S86°54'45"E 311.65', THENCE LEAVING SAID SOUTH LINE S05°16'50"W 9.94' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**WHEREAS**, upon the filing of the petition with the City, it shall set a date and time for a hearing before the City Council for the consideration of the petition.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: That the City Council shall hear said petition at its regular meeting to be held at the Rogers City Hall, 301 W. Chestnut Street, Rogers, Arkansas, on the 26<sup>th</sup> day of May, 2020 at 6:30 p.m.;

Section 2: That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Transportation Committee

**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF ROGERS TO UTILIZE THE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS FOR THE ADDITION OF SIDEWALKS ON THE NORTH SIDE OF HUDSON ROAD BETWEEN NORTH 26<sup>TH</sup> STREET AND NORTH 4<sup>TH</sup> STREET, ROGERS, ARKANSAS; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Rogers understands the Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop sidewalks on the North side of Hudson Road between North 26<sup>th</sup> Street and North 4<sup>th</sup> Street;

**WHEREAS**, areas on Hudson Road are currently being used by pedestrians. Footpaths are visible in the grass along the shoulder of the road. This project will benefit the community by providing pedestrians; including children, older adults, individuals with disabilities and economically disadvantaged persons a safe route to local convenience stores, restaurants, banks and other businesses in the area;

**WHEREAS**, the City of Rogers understands that Federal-aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment submitted prior to actual monetary reimbursement;

**WHEREAS**, if the grant is awarded, the City of Rogers 20% local match for this program will not exceed one hundred twenty-five thousand and thirty-six dollars (\$125,036.00) and this amount will be paid from Street Fund Reserves; and

**WHEREAS**, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City of Rogers will participate in accordance with its designated responsibility, including maintenance of this project;

Section 2: The Mayor, or his designated representative, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director - Community Development

Prepared by: John M. Pesek, Staff Attorney

Reviewed by: John M. Pesek, Staff Attorney

For Consideration by: Transportation Committee